

ACQUISITION OF ROAD UTILITY DISTRICT POWERS BY MUNICIPAL UTILITY DISTRICTS

§293.201. District Acquisition of Road Utility District Powers.

(a) Texas Transportation Code, Chapter 441, authorizes a district operating pursuant to the Texas Water Code, Chapter 54, and which has the power to levy taxes to petition the Department of Transportation, after first obtaining approval of the Texas Natural Resource Conservation Commission, to acquire the powers granted under said Texas Transportation Code, Chapter 441, to road utility districts. Texas Transportation Code, Section 441.051 requires the written consent of the landowners within the boundaries of the district to be given to the governing board of the district to file a petition with the Department of Transportation.

(b) Authority to add road utility district powers is also given to municipal utility districts in Chapter 951, Acts of the 69th Legislature, 1985, which added §54.234 and §54.235 to the Texas Water Code. This section and §293.202 of this title (relating to Application Requirements for Commission Approval) of this chapter will provide the requirements for obtaining approval of the commission to petition the Texas Department of Transportation for road utility district powers.

Adopted September 30, 1996

Effective October 22, 1996

§293.202. Application Requirements for Commission Approval.

A conservation and reclamation district, operating pursuant to the Texas Water Code, Chapter 54, and which has the power to levy taxes, shall submit to the executive director of the Texas Natural Resource Conservation Commission an application which shall include the following documents, prior to petitioning the Texas Department of Transportation for road utility district powers:

(1) a petition or written request which will include a detailed narrative statement of the reasons for requesting road utility district powers and the reasons why such powers will be of benefit to the district and to the land which is included in the district, signed by the president of the board of directors of the district;

(2) a certified copy of the resolution of the governing board of the district authorizing the request for approval of the Texas Natural Resource Conservation Commission to petition the Texas Department of Transportation for road utility district powers;

(3) a certification that the district is operating under the Texas Water Code, Chapter 54, and has the power to levy taxes, with proper statutory references;

(4) evidence that the governing board of the district received written consent of all landowners within its boundaries prior to adopting the resolution of the governing board of the district authorizing it to petition for road utility district powers and that the petition or written request to the commission requesting road utility district powers was filed with the city secretary or clerk of each city, in whose corporate limits or extraterritorial jurisdiction any part of the district is located, concurrently

with filing its application for such powers with the commission;

(5) a certified copy of the latest audit of the district performed pursuant to Water Code, §§49.191-49.194;

(6) for districts which have not submitted an annual audit, a financial statement of the district, including a detailed itemization of all assets and liabilities showing all balances in effect not later than 30 days before the date the district submits its request for approval with the executive director;

(7) a certified copy of preliminary plans for all the facilities to be constructed, acquired, or improved by the district, which the district is required to submit to the governmental entity to which it proposes to convey district facilities by Texas Transportation Code, Section 441.013;

(8) a cost analysis and detailed cost estimate of the proposed facilities to be constructed, acquired, or improved by the district under road utility district powers with a statement of the amount of bonds estimated to be necessary to finance the proposed construction, acquisition, and improvement;

(9) a narrative statement which will analyze the effect of the proposed facilities upon the district's financial condition and will demonstrate that the proposed construction, acquisition, and improvement is financially and economically feasible for the district;

(10) any other information which may be required by the executive director; and

(11) a filing fee in the amount of \$100 plus the cost of the required notice.

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